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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/541,510	07/18/2007	Gilles Merle	274880US2PCT	3879

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

TOLENTINO, RODERICK

ART UNIT	PAPER NUMBER
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2439

NOTIFICATION DATE	DELIVERY MODE
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03/23/2011

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/541,510	Applicant(s) MERLE ET AL.	
	Examiner Roderick Tolentino	Art Unit 2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 20 – 38 are pending.

Response to Arguments

2. Applicant's arguments with respect to claim 20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 20 – 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al. U.S. PG-Publication No. (2003/0007640) in view of Montgomery U.S. PG-Publication No. (2002/0141590).

5. As per claim 20, Harada teaches at a transmission, each block of a family is scrambled by a key associated with the family, (Harada, Paragraph 0192, data divided into blocks then encrypted and unique key encrypts each block) and at a reception, each block of a family is descrambled by the key associated with the family (Harada, Paragraph 0008, decryption unit) but fails to teach defined as a function of a specific processing capacity and a level of security of the respective deciphering modules.

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However, in an analogous art Montgomery teaches defined as a function of a specific processing capacity and a level of security of the respective deciphering modules (Montgomery, Paragraphs 0035 and 0037, key length determines desired level of security).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Montgomery's apparatus for streaming data using rotating cryptographic keys with Harada's digital work protection system record/playback device because it offers the advantage of further secure transmission of digital data (Montgomery, Paragraph 0012).

6. As per claim 21, Harada teaches the descrambling modules are different peripheral elements associated with the receiver terminal (Harada, Paragraph 0079, transmit data to a phone).
7. As per claim 22, Harada teaches the descrambling modules comprise different algorithms (Harada, Paragraph 0008, decryption unit).
8. As per claim 23, Harada teaches the descrambling modules comprise identical algorithms (Harada, Paragraph 0008, decryption unit).
9. As per claim 24, Harada teaches the data to be distributed are in a form of a previously stored file (Harada, Paragraph 0080, digital file on server ready for distribution).
10. As per claim 25, Harada teaches the data to be secured are in a form of a broadcast or downloaded stream and processed in real time by the terminal (Harada, Paragraph 0080, digital file on server ready for distribution).

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11. As per claim 26, Harada teaches a duration of use of the stream is divided into crypto periods, each corresponding to a descrambling key, and wherein prior to each start of the crypto period a message is inserted into the stream so as to warn the descrambling module of the change in crypto period (Harada, Paragraph 0008, decryption unit).

12. As per claim 27, Harada teaches the message comprises all information necessary for descrambling the stream utilized during the following crypto period (Harada, Paragraph 0008, decryption unit).

13. As per claim 28, Harada teaches the data represent audio and/or video programs protected by a DRM system (Harada, Paragraph 0080, digital file on server ready for distribution).

14. As per claim 29, Harada teaches the data represent images synthesis or anime drawings (Harada, Paragraph 0080, digital file on server ready for distribution, anime drawings are merely intended use).

15. As per claim 30, Harada teaches subdivide the data into M distinct families of N blocks; assign each family a specific identification parameter associated and scramble each block by a key in biunivocal relation with the parameter (Harada, Paragraph 0192, data divided into blocks then encrypted and unique key encrypts each block), and a descrambling platform comprising identify the family of each block so as to descramble each block of a family by the descrambling module corresponding to the parameter (Harada, Paragraph 0008, decryption unit) but fails to teach with at least one descrambling module having a specific processing capacity and a specific level of

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security. However, in an analogous art Montgomery teaches with at least one descrambling module having a specific processing capacity and a specific level of security (Montgomery, Paragraphs 0035 and 0037, key length determines desired level of security).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Montgomery's apparatus for streaming data using rotating cryptographic keys with Harada's digital work protection system record/playback device because it offers the advantage of further secure transmission of digital data (Montgomery, Paragraph 0012).

16. As per claim 31, Harada teaches the descrambling modules are distinct peripherals associated with the receiver terminal (Harada, Paragraph 0080, transmit data to a phone and decrypted by the phone).

17. As per claim 32, Harada teaches subdivide the stream into M distinct families of N blocks, assign each family a specific identification parameter associated (Harada, Paragraph 0008, decryption unit), define for each module a key as a function of the processing capacity and a degree of security; and scramble each block belonging to a family by a key in biunivocal relation with the parameter (Harada, Paragraph 0192, data divided into blocks then encrypted and unique key encrypts each block) but fails to teach with at least one descrambling module having a specific processing capacity and a specific level of security. However, in an analogous art Montgomery teaches with at least one descrambling module having a specific processing capacity and a specific

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level of security(Montgomery, Paragraphs 0035 and 0037, key length determines desired level of security).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Montgomery's apparatus for streaming data using rotating cryptographic keys with Harada's digital work protection system record/playback device because it offers the advantage of further secure transmission of digital data (Montgomery, Paragraph 0012).

18. As per claim 33, Harada teaches identifying the family of each block so as to descramble each block of a family by the descrambling module corresponding to the parameter (Harada, Paragraph 0192, data divided into blocks then encrypted and unique key encrypts each block).

19. As per claim 34, Harada teaches a plurality of distinct descrambling modules each identified by the specific identification parameter (Harada, Paragraph 0008, decryption unit).

20. As per claim 35, Harada teaches the receiver terminal is a PDA and one of the descrambling modules is integrated into the PDA, and at least a second descrambling module is a smart card of SIM type connected to the PDA (Harada, Paragraph 0080, phone with memory card).

21. As per claim 36, Harada teaches for securing a video-on-demand service (VOD) (Harada, Paragraph 0080, music on demand).

22. As per claim 37, Harada teaches for securing a music-on-demand service (MOD) (Harada, Paragraph 0080, music on demand).

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23. As per claim 38, Harada teaches for securing access to a broadcast service for electronic books either online or downloaded from portable media (Harada, Paragraph 0080, digital work to a mobile phone).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roderick Tolentino whose telephone number is (571) 272-2661. The examiner can normally be reached on Monday - Friday 9am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian LaForgia/
Primary Examiner, Art Unit 2439

Roderick Tolentino
Examiner
Art Unit 2439

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/R. T./
Examiner, Art Unit 2439